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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of Part 74 of the Commission's
Rules to Provide for Displacement Relief
for FM Translator Stations

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM - 10995

To: The Commission

**COMMENTS IN SUPPORT
AND
REQUEST FOR CONSOLIDATION WITH RM-10609**

Comes now Calvary Chapel of Twin Falls, Inc. ("Calvary"), Creative Educational Media Corporation, Inc. ("Creative"), Positive Alternative Radio, Inc. ("PAR"), and Priority Radio, Inc. ("Priority") (hereinafter sometimes collectively referred to as "Petitioners"), pursuant to the Commission's *Public Notice Report No. 2658 (released June 3, 2004)*, and respectfully submit these comments in support of the proposal proffered by the National Translator Association seeking displacement relief for FM Translators.

By way of a brief background summary, Calvary is the licensee of hundreds of FM Translator Stations throughout the country, and a small number of full power Noncommercial FM Broadcast Stations. Creative is the licensee of several FM Translator Stations in Oklahoma and Missouri, and five full power Noncommercial FM Broadcast Stations in Oklahoma, Missouri, Ohio and Virginia. PAR is the licensee or permittee of more than two dozen FM Translator Stations in Virginia, West Virginia, Indiana and North Carolina, and fourteen full power Noncommercial FM Broadcast Stations in Virginia, West Virginia, North Carolina, Indiana and Tennessee. Priority is the licensee of two full power Noncommercial FM Broadcast Stations, located in

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Delaware and New Jersey, one full power AM Broadcast Station in Maryland, and is the licensee or permittee of several FM Translator Stations in Pennsylvania, Delaware and Maryland.

Calvary, Creative, PAR and Priority provide a broad range of broadcasting services to the residents of their respective communities of license. And, each of the Petitioners share similar programming objectives -- to broadcast educational, cultural and entertainment programs to the public, with a variety of educational objectives, such as to provide educational and religious instruction, and moral teaching, and to provide the opportunity for and to promote informative discussion and debate in areas pertaining to contemporary social and religious issues, as well as citizenship and its responsibilities.

Each of the Petitioners has, at one time or another, been faced with the unfortunate situation of having to turn off a widely-accepted FM Translator Station as the result a full power FM station commencing operations on the same frequency, or as a result of allegations of interference from a new FM broadcast station on a first- or second-adjacent frequency. In each instance, it would have been fair and equitable for the Commission to have in place a mechanism by which an established FM Translator Station could have special displacement relief to stay on-air if at all possible. Accordingly, Petitioners support the concept proposed by the National Translator Association.

Consolidation with RM-10609: Petitioners would also like to take this opportunity to request that the matters at issue in RM-10995 be consolidated for consideration with the proposal proffered by the Petitioners in RM-10609, wherein the Petitioners requested that the Commission expeditiously initiate and conduct a rule making proceeding to make certain amendments to Part 74 of the Commission's Rules to permit satellite feeds to Noncommercial Educational FM Translators

operating on commercial frequencies. There, as here, the Commission issued a similar *Public Notice*, which resulted in a modest number of supporting comments, including comments largely in support by National Public Radio, Inc. Unfortunately, the Commission has not taken any further action on that matter.

Conclusion

WHEREFORE, the above premises considered, Calvary, Creative, PAR and Priority support the proposal of the National Translator Association, and further request that these matters be consolidated with the proposal set forth in RM-10609.

Respectfully submitted,

**CALVARY CHAPEL OF TWIN FALLS, INC.
CREATIVE EDUCATIONAL MEDIA CORP., INC.
POSITIVE ALTERNATIVE RADIO, INC.
PRIORITY RADIO, INC.**

By: 

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July 2, 2004

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 2nd day of July, 2004, 2002, I have served a copy of the foregoing "**COMMENTS IN SUPPORT AND REQUEST FOR CONSOLIDATION**" first-class, postage-prepaid, on the following:

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